

DET 644763  
FEDERAL U.S. DISTRICT COURT

OF THE EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

KEVIN SCOTT  
29343 Fieldstone  
Farmington Hills, Mi 48334

Case:2:12-cv-12864  
Judge: Lawson, David M.  
MJ: Hluchaniuk, Michael J.  
Filed: 06-28-2012 At 03:24 PM  
CMP KEVIN SCOTT V. BANK OF AMERICA  
ET AL (DA)

PLAINTIFF

CIVIL ACTION COMPLAINT  
AND JURY DEMAND

-v-

Bank of America  
CT Corporation Systems  
30800 Telegraph Road, Suite 2345  
Bingham Farm, Mi 48025.

Trott & Trott  
31440 Northwestern Highway, Suite 200  
Farmington Hills, Mi 48334

BAC Home Loan Serving, LaSalle Bank  
31440 Northwestern Highway, suite 200  
Farmington Hills, Mi 48334

DEFENDANTS, jointly and severally

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COMES NOW the Plaintiff, Kevin Scott, on behalf of himself for the original

Complaint against

The Defendants, Bank of America, N.A., ("BOA"), BAC home loans Servicing, L.P.

("BAC"), LaSalle Bank, & Trott & Trott upon information & belief hereby allege and state as follows:

### **INTRODUCTION**

1. The Plaintiff is asking the court for an immediate restraining order stopping the foreclosure sale of the Plaintiff home.
2. The Plaintiff is asking the court for an anti spoliation order to preserve all of B.O.A. computer records with the Plaintiff since 2009.
3. In this lawsuit complaint, Plaintiff is seeking relief from the Defendants routine failure to comply with the statutory prerequisite for using the foreclosure and eviction proceeding fraudulently against the Plaintiff. The Plaintiff seeks damages in the amount an excess of 100,000.00 for pain and suffering, mental stress and other real relief that the court deems appropriate under the law.
4. The State of Michigan is a Judicial Foreclosure State and the Plaintiff is entitled to the protection and legal requirements pursuant to MCL 600.3205a. B.O.A must strictly adhere to the prerequisites for using the foreclosure proceeding, along with other basic principles of contract law and consumers protection.
5. B.O.A. has demonstrated a pervasive and willful disregard of the law, facts and a rush to seize the Plaintiff home's under false pretenses of fraud.
6. B.O.A. has failed to negotiate in good faith. The Defendants has made false misrepresentations and misleading statements to the Plaintiff and the court. **The Plaintiff received another letter in the mail which indicated for the Plaintiff to "be patience while B.O.A. looked into the inquires sent to the bank by the Plaintiff".** This letter from B.O.A is dated 6/19/2012, and it arrived at the Plaintiff home on 6/25/2012. Yet, B.O.A has the Plaintiff home on a foreclosure sale set for July 10, 2012. **See exhibit: A, letters sent from B.O.A**
7. The Plaintiff has all copies of his checks given to B.O.A. since 2004. The Plaintiff has attached payments from February, 2011 through May, 2012. **See exhibit: B**

### **JURISDICTION AND VENUE**

8. This Court has jurisdiction over this action which arises under 42 USC sections 1981. Plaintiff is an African American citizen of Michigan living in the county of Oakland. The Defendants were/are doing business in Michigan and all of the transactions which gave rise to this action came out of Oakland County upon information and belief B.O.A. All payments were sent out of State to a B.O.A facility out of Baltimore, Maryland. The amount at issue exceeds \$455,465.00

### **THE PLAINTIFF**

9. Plaintiff, Kevin Scott is a natural person who resides at 29343 Fieldstone Farmington Hills, Mi 48334.

### **FACTUAL BACKGROUND**

10. Plaintiff received a packet from Trott & Trott that indicated that six payments were missing. Two were in the amount of 3,102.07 each and four were in the amount of 3,031.50. **See exhibit: C**

11. Plaintiff has made many attempts to correct B.O.A. mistakes by faxes, calls, certified letter and Plaintiff has made the same attempt with the law firm Trott & Trott. Through faxes, call, and certified letter all of this was to no avail. In all of the notices given to the Defendants to call the Plaintiff, neither Defendant called the Plaintiff. **B.O.A. refused to tell the Plaintiff what 6 payments were missing, despite all the phone calls for a year and a half, B.O.A. absolutely refused to tell the Plaintiff anything.** The arrogance of B.O.A. and Trott & Trott is frightening to say the least.

12. Being desperate the Plaintiff called B.O.A. again on June 11, 2012 the Plaintiff spoke with Mary #5678 at B.O.A. While looking at her computer she indicated

that the 6 missing checks that were listed in the complaint were from January 2012 thru June 2012. Mary indicated that B.O.A. had not received "any payments from the Plaintiff for six months."

13. Knowing this was absolutely incorrect the Plaintiff truly doesn't know what to believe from the Defendants. The Plaintiff started looking through all records and found some disturbing facts.

14. The Plaintiff has all copies of his checks given to B.O.A. since 2004. For now the Plaintiff will attach all payments paid to B.O.A. from February, 2011 through May, 2012. See Exhibit: B

15. Equally disturbing, the Plaintiff found checks that were cashed but not credited. Both checks were missing from the payment history that the Defendants sent to the Plaintiff. See Exhibit: B

A. On November 25, 2011, a check for \$ 6,039.01 was accepted and cashed by B.O.A; however there is no record of this check with B.O.A. in their payment history.

B. On February 27, 2012, a check for \$ 8,744.60 was accepted and cashed by B.O.A. However there is no record of this check with B.O.A. in their payment history.

C. On March 26, 2012 a check for \$ 2,308.00 was accepted and cashed by B.O.A. This was the Plaintiff's regular payment along with the late fee of 109.00.

16. \$ 14,783.61 is unaccounted, which was paid to B.O.A. See Exhibit: B. Due to B.O.A maintaining sloppy records, plaintiff request to make his mortgage payments to the court while this case is pending.

### COUNT 1: BREACH OF CONTRACT

17. Plaintiff Kevin Scott is living in Oakland County, in the State of Michigan.

18. Defendants Bank of America & Trott & Trott is doing business in Oakland County.

19. In early 2009 Plaintiff called B.O.A. to try and have his mortgage payment moved from the 1st thru the 15 because of a change in which the Plaintiff would receive his monthly salary after the 25th of each month. The Plaintiff explained that his payments would always be late unless he could save the money to stop paying the late fee. B.O.A. refused the request and the Plaintiff paid an extra 109.00 every month to the mortgage payment since mid 2009.

20. B.O.A file a complaint with the Oakland County Court indicating that the Plaintiff has missed 6 mortgage payments. With this information given to the court, the Defendants were able to start a false foreclosure proceeding against the Plaintiff. Plaintiff has called B.O.A. and Tott & Tott, the Plaintiff sent a certified letter to Trott & Trott, and B.O.A. Trott & Trott received faxes from the Plaintiff which indicated no mortgage payment was missing. Per the Plaintiff request neither B.O.A. nor Trott & Trott would call to discuss this false and serious miss information given to the court to start the false foreclosure proceeding.

21. Plaintiff has sent a mortgage payment to B.O.A. each month in the amount of 2,198.00 plus a late fee of 109.00 with the total of 2,308.00 being paid every month. B.O.A has returned and not cashed only two checks from the Plaintiff for an unknown reason. A check was sent in April 2012 for 2,308.00 and May 2012 for 2,308.00 for a total of 4,616.00, both checks were not cashed by B.O.A. and the funds were put back in the Plaintiff bank account. But in March 2012 B.O.A. accepted the check for the same amount they rejected in April & May 2012. This violation of rights fall under 42USC section 1981 to enforce the contract.

**MORTGAGE IS A CONTRACT**

**22. Commencing from January 1, 2012 B.O.A. began to negate actions to prevent Plaintiff from enforcing his contract, because of his race. Defendant's bad acts have damage the Plaintiff by putting the Plaintiff's home at risk to foreclosure.**

**WHEREFORE, Plaintiff seeks a judgment as follows:**

**23. A restraining order preventing foreclosure if the court chooses to hold the disputed funds the Defendants are demanding .**

**24. Declaratory and injunctive relief dismissing the foreclosure with prejudice.**

**25. Awarding actual damages.**

**26. Awarding punitive damages.**

**27. Award Plaintiff his court cost and filing fees**

**28. To stay any money to be given to the Defendant until an accounting of the Plaintiff files for the missing money has been found and identified.**

**29. Plaintiff is asking the court to permit mortgage payment to be paid to the court while this case is pending.**

**30. Subtract the unaccounted money from what is claimed due to be held by the court.**

**31. Granting such other relief as the court deems just and equitable**

**32. Plaintiff hereby reserve the right to amend this complaint to supplement or modify the factual obligations and claims contained herein, base upon information from the Defendants, witness, experts and other in the course of discovery in this matter.**

**DESIGNATION OF TRAIL COUNSEL**

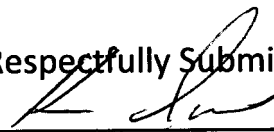
33. Plaintiff reserves the right to add counsel(s) at any point in this complaint.

**DEMAND FOR PRODUCTION OF RECORDS**

34. All computer records and files from 2009 concerning Plaintiff account to be provide to the Plaintiff. The Plaintiff request the files be place on a disk.

June 25, 2012

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Kevin Scott', is written over a horizontal line.

Kevin Scott, Per Pro

# EXHIBIT: A



**Bank of America**



**Home Loans**

Po Box: 5170  
Simi Valley, CA 93065-5170



AT1 2-772-30527-0002613-003-1-000-000-000-000

KEVIN SCOTT & ANNETTE PAYTON-SCOTT  
29343 FIELDSTONE  
FARMINGTON HILLS MI 48334

**Date:** December 30, 2011

**Account No.:** 872602748

**Property Address:**  
29343 Fieldstone  
Farmington Hills, MI 48334

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**IMPORTANT MESSAGE ABOUT YOUR HOME LOAN**

This letter is to acknowledge receipt of your recent inquiry about your home loan. We are in the process of obtaining the documentation and information necessary to address your questions. We appreciate your patience while we research your request.

---

**THANK YOU**

If you have any additional questions while we research your request, please call us at 1-800-669-6607, Monday-Friday 7a.m. - 7p.m. Local Time.

This communication is from Bank of America, N.A., the servicer of your home loan.

Please write your account number on all correspondence.

**Bank of America**



Po Box: 5170  
Simi Valley, CA 93062-5170



AT 1 7-772-43303-0001672-001-1-000-000-000-000

KEVIN SCOTT & ANNETTE PAYTON-SCOTT  
29343 FIELDSTONE  
FARMINGTON HILLS MI 48334

**Date:** May 18, 2012

**Account No.:** 872602748

**Property Address:**  
29343 Fieldstone  
Farmington Hills, MI 48334

**IMPORTANT MESSAGE ABOUT YOUR HOME LOAN**

This letter is to acknowledge receipt of your recent inquiry about your home loan. We are in the process of obtaining the documentation and information necessary to address your questions. We appreciate your patience while we research your request.

**THANK YOU**

If you have any additional questions while we research your request, please call us at 1-800-669-6607, Monday-Friday 7a.m. - 7p.m. Local Time.

This communication is from Bank of America, N.A., the servicer of your home loan.

Please write your account number on all correspondence.

**Bank of America**

C3\_2113 CSDEAY 12606/14376 12/21/2011



0  
0.00



AT1 6-772-45574 0000300-001-1 000-000-000 000

KEVIN SCOTT & ANNETTE PAYTON-SCOTT  
29343 FIELDSTONE  
FARMINGTON HILLS MI 48334

**Date:** June 19, 2012

**Account No.:** 872602748

**Property Address:**  
29343 Fieldstone  
Farmington Hills, MI 48334

**IMPORTANT MESSAGE ABOUT YOUR HOME LOAN**

This letter is to acknowledge receipt of your recent inquiry about your home loan. We are in the process of obtaining the documentation and information necessary to address your questions. We appreciate your patience while we research your request.

**THANK YOU**

If you have any additional questions while we research your request, please call us at 1-800-669-6607, Monday-Friday 7a.m. - 7p.m. Local Time.

This communication is from Bank of America, N.A., the servicer of your home loan.

Please write your account number on all correspondence

# EXHIBIT: B

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### Proof of Payment

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### Customer Information

**Customer name** KEVIN SCOTT  
**Address (line 1)** 29343 FIELDSTONE  
**Address (line 2)**  
**City** FARMINGTON HILLS  
**State** MI  
**ZIP code** 48334

### Transaction Information

**Bill ID** 106924  
**Payee name** BANK OF AMERICA  
**Payee account number** 6894721692  
**Payment amount (\$USD)** \$3,300.00  
**File transmission date** 02/28/2011  
**Payment effective date** 03/01/2011  
**Trace number** 021000024508743

### Originator Information

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment  
**Transaction ID** 1041000878

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### Customer Information

**Customer name** KEVIN SCOTT  
**Address (line 1)** 29343 FIELDSTONE  
**Address (line 2)**  
**City** FARMINGTON HILLS  
**State** MI  
**ZIP code** 48334

### Transaction Information

**Bill ID** 106924  
**Payee name** BANK OF AMERICA  
**Payee account number** 6894721692  
**Payment amount (\$USD)** \$3,048.00  
**File transmission date** 03/28/2011  
**Payment effective date** 03/28/2011  
**Trace number** 021000022141858

### Originator Information

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment  
**Transaction ID** 1064831471



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#### Customer Information

**Customer name** KEVIN SCOTT  
**Address (line 1)** 28343 FIELDSTONE  
**Address (line 2)**  
**City** FARMINGTON HILLS  
**State** MI  
**ZIP code** 48334

#### Transaction Information

**Billor ID** 106924  
**Payee name** BANK OF AMERICA  
**Payee account number** 6894721692  
**Payment amount (\$USD)** \$3,048.00  
**File transmission date** 04/29/2011  
**Payment effective date** 05/02/2011  
**Trace number** 021000021019363

#### Originator Information

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment  
**Transaction ID** 1093297925

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#### Customer Information

**Customer name** KEVIN SCOTT  
**Address (line 1)** 28343 FIELDSTONE  
**Address (line 2)**  
**City** FARMINGTON HILLS  
**State** MI  
**ZIP code** 48334

#### Transaction Information

**Bill ID** 106924  
**Payee name** BANK OF AMERICA  
**Payee account number** 6894721692  
**Payment amount (\$USD)** \$3,048.00  
**File transmission date** 05/31/2011  
**Payment effective date** 06/01/2011  
**Trace number** 021000027682752

#### Originator Information

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment  
**Transaction ID** 2075433812

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### Customer Information

**Customer name** KEVIN SCOTT  
**Address (line 1)** 29343 FIELDSTONE  
**Address (line 2)**  
**City** FARMINGTON HILLS  
**State** MI  
**ZIP code** 48334

### Transaction Information

**Bill# ID** 106924  
**Payee name** BANK OF AMERICA  
**Payee account number** 6894721692  
**Payment amount (\$USD)** \$3,048.00  
**File transmission date** 06/24/2011  
**Payment effective date** 06/27/2011  
**Trace number** 021000024787288

### Originator Information

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment  
**Transaction ID** 2098349951

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**State** MI  
**ZIP code** 48334

#### Transaction Information

**Billor ID** 106924  
**Payee name** BANK OF AMERICA  
**Payee account number** 6894721692  
**Payment amount (\$USD)** \$3,048.00  
**File transmission date** 07/27/2011  
**Payment effective date** 07/28/2011  
**Trace number** 021000023395302

#### Originator Information

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment  
**Transaction ID** 2124865823

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**Customer name** KEVIN SCOTT  
**Address (line 1)** 28343 FIELDSTONE  
**Address (line 2)**  
**City** FARMINGTON HILLS  
**State** MI  
**ZIP code** 48334

### Transaction Information

**Bill ID** 106924  
**Payee name** BANK OF AMERICA  
**Payee account number** 6894721692  
**Payment amount (\$USD)** \$2,308.00  
**File transmission date** 08/26/2011  
**Payment effective date** 08/29/2011  
**Trace number** 021000021435329

### Originator Information

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment  
**Transaction ID** 2150931153

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**Note:** If your Payee says they haven't received your payment (or that they didn't receive your payment on time), you can use an online proof of payment to show that the payment was made.

### Proof of Payment

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#### Customer Information

**Customer name** KEVIN SCOTT  
**Address (line 1)** 29343 FIELDSTONE  
**Address (line 2)**  
**City** FARMINGTON HILLS  
**State** MI  
**ZIP code** 48334

#### Transaction Information

**Bill ID** 106924  
**Payee name** BANK OF AMERICA  
**Payee account number** 6894721892  
**Payment amount (\$USD)** \$3,786.32  
**File transmission date** 09/26/2011  
**Payment effective date** 09/27/2011  
**Trace number** 021000028217968

#### Originator Information

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment  
**Transaction ID** 2174975016

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Wednesday, June 20, 2012

[Payments & Transfers](#) > [Bill Payment Activity](#) > [Payment Detail](#) > Proof of Payment

## Proof of Payment

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### Proof of Payment

[Save or Print](#)

### Customer Information

**Customer name** KEVIN SCOTT  
**Address (line 1)** 29343 FIELDSTONE  
**Address (line 2)**  
**City** FARMINGTON HILLS  
**State** MI  
**ZIP code** 48334

### Transaction Information

**Billor ID** 108924  
**Payee name** BANK OF AMERICA  
**Payee account number** 6894721692  
**Payment amount (\$USD)** \$2,308.00  
**File transmission date** 10/08/2011  
**Payment effective date** 10/07/2011  
**Trace number** 021000022279621

### Originator Information

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment  
**Transaction ID** 2186714551



### I'd like to...

- ▶ [Pay bills](#)
- ▶ [Add Payee](#)
- ▶ [See payment activity](#)
- ▶ [Schedule a Repeating payment](#)
- ▶ [Pay bills with my Chase card](#)
- ▶ [See pending payments](#)
- ▶ [Change/Cancel payment](#)
- ▶ [See/Update Payee](#)
- ▶ [See Repeating payments](#)
- ▶ [See fewer choices](#)

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Wednesday, June 20, 2012

[Payments & Transfers](#) > [Bill Payment Activity](#) > [Payment Detail](#) > Proof of Payment

## Proof of Payment

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### Proof of Payment

[Save or Print](#)

#### Customer Information

**Customer name** KEVIN SCOTT  
**Address (line 1)** 28343 FIELDSTONE  
**Address (line 2)**  
**City** FARMINGTON HILLS  
**State** MI  
**ZIP code** 48334

#### Transaction Information

**Billers ID** 106924  
**Payee name** BANK OF AMERICA  
**Payee account number** 6894721892  
**Payment amount (\$USD)** \$3,102.07  
**File transmission date** 10/28/2011  
**Payment effective date** 10/31/2011  
**Trace number** 021000027255997

#### Originator Information

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment  
**Transaction ID** 2252858295

#### I'd like to...

- ▶ [Pay bills](#)
- ▶ [Add Payee](#)
- ▶ [See payment activity](#)
- ▶ [Schedule a Repeating payment](#)
- ▶ [Pay bills with my Chase card](#)
- ▶ [See pending payments](#)
- ▶ [Change/Cancel payment](#)
- ▶ [See/Update Payee](#)
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Monday, June 18, 2012

**NOTE TO PAYEE**

KEVIN SCOTT

sent you a payment using the Chase.com online service.

Please review these details:

**Payment amount:** \$6,039.01**Payment sent to account:** 6894721692**Payment sent by Chase on:** 11/25/2011**Expected arrival date:** 11/28/2011

As a courtesy to this customer, please note the date the payment was sent and the expected arrival date. If you received the payment after the expected arrival date, the delay may be due to factors beyond our customer's control (e.g., mail processing if the payment was sent by U.S. Mail).

**PROOF OF PAYMENT****Customer Information**

**Customer name** KEVIN SCOTT  
**Address (line 1)** 29343 FIELDSTONE  
**Address (line 2)**  
**City** FARMINGTON HILLS  
**State** MI  
**ZIP code** 48334

**Transaction Information**

**Billor ID** 106924  
**Payee name** BANK OF AMERICA  
**Payee account number** 6894721692  
**Payment amount** \$6,039.01  
**File transmission date** 11/25/2011  
**Payment effective date** 11/28/2011  
**Trace number** 021000025225984

**Originator Information**

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment  
**Transaction ID** 2403411574



Monday, June 18, 2012

**NOTE TO PAYEE****KEVIN SCOTT**

sent you a payment using the Chase.com online service.

Please review these details:

**Payment amount:** \$2,960.48**Payment sent to account:** 6894721692**Payment sent by Chase on:** 01/03/2012**Expected arrival date:** 01/04/2012

As a courtesy to this customer, please note the date the payment was sent and the expected arrival date. If you received the payment after the expected arrival date, the delay may be due to factors beyond our customer's control (e.g., mail processing if the payment was sent by U.S. Mail).

**PROOF OF PAYMENT****Customer Information**

**Customer name** KEVIN SCOTT  
**Address (line 1)** 29343 FIELDSTONE  
**Address (line 2)**  
**City** FARMINGTON HILLS  
**State** MI  
**ZIP code** 48334

**Transaction Information**

**Bill ID** 106924  
**Payee name** BANK OF AMERICA  
**Payee account number** 6894721692  
**Payment amount** \$2,960.48  
**File transmission date** 01/03/2012  
**Payment effective date** 01/04/2012  
**Trace number** 021000025163215

**Originator Information**

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment  
**Transaction ID** 2459995567





Monday, June 18, 2012

**NOTE TO PAYEE**

KEVIN SCOTT

sent you a payment using the Chase.com online service.  
Please review these details:

**Payment amount:** \$8,744.56**Payment sent to account:** 6894721692**Payment sent by Chase on:** 02/27/2012**Expected arrival date:** 02/28/2012

As a courtesy to the payee, we have noted that the payment was sent and the expected arrival date. If you received the payment after the expected arrival date, the delay may be due to factors beyond our customer's control (e.g., mail processing if the payment was sent by U.S. Mail).

**PROOF OF PAYMENT****Customer Information**

**Customer name** KEVIN SCOTT  
**Address (line 1)** 29343 FIELDSTONE  
**Address (line 2)**  
**City** FARMINGTON HILLS  
**State** MI  
**ZIP code** 48334

**Transaction Information**

**Biller ID** 106924  
**Payee name** BANK OF AMERICA  
**Payee account number** 6894721692  
**Payment amount** \$8,744.56  
**File transmission date** 02/27/2012  
**Payment effective date** 02/28/2012  
**Trace number** 021000021583559

**Originator Information**

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment  
**Transaction ID** 2543266087



Monday, June 18, 2012

**NOTE TO PAYEE**

KEVIN SCOTT

sent you a payment using the Chase.com online service.

Please review these details:

**Payment amount:** \$2,308.00**Payment sent to account:** 6894721692**Payment sent by Chase on:** 03/26/2012**Expected arrival date:** 03/27/2012

As a courtesy to this customer, please note the date the payment was sent and the expected arrival date. If you received the payment after the expected arrival date, the delay may be due to factors beyond our customer's control (e.g., mail processing if the payment was sent by U.S. Mail).

**PROOF OF PAYMENT****Customer Information**

**Customer name** KEVIN SCOTT  
**Address (line 1)** 29343 FIELDSTONE  
**Address (line 2)**  
**City** FARMINGTON HILLS  
**State** MI  
**ZIP code** 48334

**Transaction Information**

**Biller ID** 106924  
**Payee name** BANK OF AMERICA  
**Payee account number** 6894721692  
**Payment amount** \$2,308.00  
**File transmission date** 03/26/2012  
**Payment effective date** 03/27/2012  
**Trace number** 021000020051599

**Originator Information**

**Originator name** JPMorgan Chase Bank, N.A. - Online Bill Payment  
**Transaction ID** 2589185373

# EXHIBIT: B

# EXHIBIT: C

**REINSTATEMENT CALCULATION**

Page 3 of 4

**This Reinstatement Calculation is Only Good Through 06/25/2012**

Customer: Kevin D Scott and Annette Payton-Scott

Loan Number: 872602748

Date/Time Created: 06/12/2012 10:04

Payments\*: \$18,330.50

2 Monthly Payments @ \$3,102.07

4 Monthly Payments @ \$3,031.59

\*For certain loan types, monthly payments in default will be calculated based on the "Minimum Payment" due, as defined in your loan documents.

Accrued Late Charges: \$0.00

Uncollected Late Charges: \$491.33

Escrow Deficiency: \$0.00

Property Inspection Fees: \$120.00

Property Preservation Fees: \$0.00

Foreclosure Attorney/Trustee Fees: \$560.00

Foreclosure Expenses: \$602.46

Bankruptcy Attorneys' Fees: \$0.00

Bankruptcy Expenses: \$0.00

Other/Miscellaneous Fees: \$0.00

Sub-Total: \$20,104.29

Suspense/Partial Payment: \$0.00

**\*Total Due:** \$20,104.29

Fees Waived in FULL Reinstatement:

Title Fees: \$0.00

Foreclosure Attorney/Trustee Fees: \$0.00

Total Fees Waived: \$0.00

**\*Net Total Due:** \$20,104.29

\*The **Net Total Due** reflects the waiver of Foreclosure Attorney/Trustee Fees and/or Title fees (included within Foreclosure Expenses) incurred in processing the foreclosure. This waiver is to assist you in bringing your loan current and is available if you pay the full Net Total Due. However, if you only pay a portion of the Net Total Due or require other assistance in bringing your loan current, these fees will not be waived. You then will be required to pay the Total Due.

**THIS AMOUNT MUST BE PAID WITH CERTIFIED FUNDS OR MONEY ORDER****Escrow Disclaimer**

Please note: Even if you reinstate this loan in accordance with this reinstatement quote, the escrow account balance may still be short of what we require. Following reinstatement, an escrow analysis will be performed on the account and, if any escrow shortage exists, the regular monthly payments will be increased to eliminate this shortage.

\*(See following page for important information.)

Bank of America



Notice Date: June 12, 2012

RE: Bank of America, N.A.  
Loan Number: 872602748

KEVIN D SCOTT AND ANNETTE PAYTON-SCOTT  
29343 FIELDSTONE  
FARMINGTON HILLS, MI 48334-4103

REINSTATEMENT CALCULATION  
Page 2 of 4

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**IMPORTANT MESSAGE ABOUT THE ABOVE REFERENCED LOAN**

Our records show that this loan is in foreclosure. Per your request, we have enclosed information concerning the reinstatement of this loan.

---

**WHAT YOU NEED TO DO**

Please read all of the below information carefully so you will know when and how to stop the foreclosure process.

**(1) Act Quickly - Don't Delay**

The amount to reinstate this loan must be received timely, which means a sufficient time before the foreclosure sale to allow your funds to be matched up with this loan. The enclosed Reinstatement Calculation is 'Good Through' 06/25/2012.

**(2) Payment Instructions - We Need to Know the Funds are From You**

Reinstatement funds must be payable to 'Bank of America, N.A.'. Reinstatements must be paid with certified funds or money order and mailed to one of the addresses listed below (walk-in payments will not be accepted). Funds must reference the BANK OF AMERICA, N.A. loan number, property address, and customer name. All of this information must be included on the certified check or money order so that we can properly identify these funds and post them to your account. If we cannot identify the funds as belonging to you and this loan, they will be returned to the bank or entity that issued the funds, and they will not be applied to this loan. Funds received after 3:00 p.m. Pacific Time may be posted the following business day.

MAIL FUNDS TO:  
Bank of America, N.A.  
Payment Processing, PO Box 15222  
Wilmington, DE 19886-5222

OR SEND OVERNIGHT TO:  
Bank of America, N.A.  
Retail Payment Services, DE5-023-03-04,  
Christiana III,  
900 Samoset Drive  
Newark, DE 19713-6002

If you have any questions about the information above or if you want to confirm that the funds have been received and applied to the loan to stop the foreclosure, please call 1-800-669-6607, Monday-Friday 7a.m. - 7p.m. Local Time.

This communication is from Bank of America, N.A., the servicer of your home loan.

Bank of America, N.A. is required by law to inform you that this communication is from a debt collector. However, the purpose of this communication is to provide your reinstatement calculations. If you have previously obtained a discharge of your personal obligation for this debt under applicable bankruptcy law, this is not an attempt to collect, a demand for payment or an attempt to impose personal liability for that debt.

(See following pages for important information.)

## FACSIMILE COVER SHEET

From: Name: Lps Fc - See  
Fax Number:  
Voice Phone: 800-669-6650

To: Name: Kevin D Scott  
Company:  
Fax Number: 12484779013  
Voice Phone:

### Fax Notes:

---

Enclosed find the Loan Servicing Reinstatement Calculation.  
If there are any questions, please contact the referenced  
Bank of America, N.A. contact person as soon as possible.

---

Date and time of transmission: 6/12/12 12:09  
Number of pages including this cover page: 4

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## (a) PLAINTIFFS

KEVIN SCOTT

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

OAKLAND

(c) Attorney's (Firm Name, Address, and Telephone Number)

29343 FIELDSTONE FARMINGTON HILLS  
MICHIGAN 48334 (248) 789-6869

## DEFENDANTS

BANK OF AMERICA ETAL

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

OAKLAND

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

TROTTE &amp; TROTTE

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question (U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Case: 2:12-cv-12864

Judge: Lawson, David M.

MJ: Hluchaniuk, Michael J.

Filed: 06-28-2012 At 03:24 PM

CMP KEVIN SCOTT V. BANK OF AMERICA ET AL (DA)

Foreign Country

DEF

4 ☐ 45 ☐ 56 ☐ 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

☐ 110 Insurance  
☐ 120 Marine  
☐ 130 Miller Act  
☐ 140 Negotiable Instrument  
☐ 150 Recovery of Overpayment & Enforcement of Judgment  
☐ 151 Medicare Act  
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)  
☐ 153 Recovery of Overpayment of Veteran's Benefits  
☒ 160 Stockholders' Suits  
☐ 190 Other Contract  
☐ 195 Contract Product Liability  
☐ 196 Franchise

## PERSONAL INJURY

☐ 310 Airplane  
☐ 315 Airplane Product Liability  
☐ 320 Assault, Libel & Slander  
☐ 330 Federal Employers' Liability  
☐ 340 Marine  
☐ 345 Marine Product Liability  
☐ 350 Motor Vehicle  
☐ 355 Motor Vehicle Product Liability  
☐ 360 Other Personal Injury

## PERSONAL INJURY

☐ 362 Personal Injury - Med. Malpractice  
☐ 365 Personal Injury - Product Liability  
☐ 368 Asbestos Personal Injury Product Liability

## PERSONAL PROPERTY

☐ 370 Other Fraud  
☐ 371 Truth in Lending  
☐ 380 Other Personal Property Damage  
☐ 385 Property Damage Product Liability

☐ 610 Agriculture  
☐ 620 Other Food & Drug  
☐ 625 Drug Related Seizure of Property 21 USC 881  
☐ 630 Liquor Laws  
☐ 640 R.R. & Truck  
☐ 650 Airline Regs.  
☐ 660 Occupational Safety/Health  
☐ 690 Other

☐ 422 Appeal 28 USC 158  
☐ 423 Withdrawal 28 USC 157

☐ 820 Copyrights  
☐ 830 Patent  
☐ 840 Trademark

☐ 861 HIA (1395ff)  
☐ 862 Black Lung (923)  
☐ 863 DIWC/DIWW (405(g))  
☐ 864 SSID Title XVI  
☐ 865 RSI (405(g))

☐ 870 Taxes (U.S. Plaintiff or Defendant)  
☐ 871 IRS—Third Party 26 USC 7609

☐ 710 Fair Labor Standards Act  
☐ 720 Labor/Mgmt. Relations  
☐ 730 Labor/Mgmt. Reporting & Disclosure Act  
☐ 740 Railway Labor Act  
☐ 790 Other Labor Litigation  
☐ 791 Empl. Ret. Inc. Security Act

☐ 462 Naturalization Application  
☐ 463 Habeas Corpus - Alien Detainee  
☐ 465 Other Immigration Actions

☐ 400 State Reapportionment  
☐ 410 Antitrust  
☐ 430 Banks and Banking  
☐ 450 Commerce  
☐ 460 Deportation  
☐ 470 Racketeer Influenced and Corrupt Organizations  
☐ 480 Consumer Credit  
☐ 490 Cable/Sat TV  
☐ 810 Selective Service  
☐ 850 Securities/Commodities/Exchange  
☐ 875 Customer Challenge 12 USC 3410  
☐ 890 Other Statutory Actions  
☐ 891 Agricultural Acts  
☐ 892 Economic Stabilization Act  
☐ 893 Environmental Matters  
☐ 894 Energy Allocation Act  
☐ 895 Freedom of Information Act  
☐ 900 Appeal of Fee Determination Under Equal Access to Justice  
☐ 950 Constitutionality of State Statutes

## V. ORIGIN

(Place an "X" in One Box Only)

☒ 1 Original Proceeding☐ 2 Removed from State Court☐ 3 Remanded from Appellate Court☐ 4 Reinstated or Reopened☐ 5 Transferred from another district (specify)☐ 6 Multidistrict Litigation☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause: I AM Suing BANK OF AMERICA FOR BREACH OF CONTRACT, FRAUD

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 6/27/2012 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE



Is this a case that has been previously dismissed?

☐ Yes  
☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes  
☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

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